SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT, SKILL DEV. AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME
GANGTOK-SIKKIM

No: J(123)103/GEN/DOP **Dated : 1.5.2008**

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Sikkim, is hereby pleased to make the following rules, namely:-

Short title and Commencement: 1. 1. These rules may be called the Sikkim State Fisheries Service Rules, 2008.
2. They shall come into force on the date of their publication in the Official Gazette.

Definition: 2. In these rules, unless the context otherwise require:-
a) "appointed day" means the date from which the provisions of these rules come into force;
b) "Commission" means the Sikkim Public Service Commission;
c) "Committee" means the Committee constituted under rule 17;
d) "Cadre Post" means any of the post specified in Schedule I;
e) "Controlling Authority" means the Government in the Department of Personnel Administrative Reforms and Training;
f) "Government" means the State Government of Sikkim;
g) "Governor" means the Governor of Sikkim;
h) "member of service" means a person who is appointed to the service in accordance with provisions of these rules;
i) "service" means Sikkim State Fisheries Service: and
j) "Schedule" means the schedule appended to these rules;

Constitution of Service 3. 1. There shall be constituted a service to be known as the Sikkim State Fisheries Service consisting of persons appointed to the service under rules 6 and 7.
2. The authorized strength and composition of the service shall be as specified in Schedule I at the initial constitution and shall be as determined by the Government from time to time.
3. The scales of pay attached to the posts specified in schedule I shall be such as may be prescribed by the Government from time to time. On the appointed day, the scale of pay admissible to the members of service shall be as shown in Schedule II.

Members of the Service

4. 1.The following persons shall be the member of the service, namely;-
   a) persons appointed under rule 6; and
   b) persons appointed under rule 7.
   2. A person appointed under clause (a) of sub-rule (1) shall on such appointment be deemed to be a member of the Service in the appropriate Grade applicable to him in Schedule II.
   3. A person appointed under clause (b) of sub-rule (1) shall be member of the service in the appropriate Grade applicable to him in Schedule II from the date of such appointment.

Appointmentand posting

5. (1) All appointment to the cadre posts after the appointed day shall be made by the Government by one of the methods as specified in rule 7 and 8 and save as provided in sub-rule (2) and (3), no cadre post shall be filled otherwise than by a member of the service.
   (2) Any cadre post may be filled up as a temporary measure by a person from another department of the Government having the requisite qualification and experience, on deputation if the Government is satisfied that there is no suitable member of the service available for filling the post.
   (3) Notwithstanding anything contained in sub-rule (1) and (2), the Government shall have the right to fill up any cadre post by obtaining officers of similar service on deputation from the Central or other State Government for any period of time.
   (4) A member of the service may, in public interest, be posted by Government to any cadre post or post under the Government outside the service or under any other Government or under an organization on such terms and conditions as may be specified by the Government.

Initial constitution of the service

6. All persons holding, on the appointed day, any of the cadre posts, shall be deemed to have appointed to the corresponding post and grades in the service.

Method of recruitment to the service

7. Subject to the provision of rule 4, any vacancy arising after the appointed day, shall be filled in the manner provided in Schedule II.

Recruitment by selection/competitive examination

8. (1) A competitive examination or selection/interview for recruitment to the service shall be held at such intervals as the Government may, from time to time, determine.
   (2) The examination or interview, as the case may be shall be conducted by the Commission in accordance with such rules and syllabus as the Government may, from time to time, determine.
   (3) Of the number of vacancies to be filled up on the result of such examination/ selection there shall be reservation in favour of candidates belonging to Schedule Castes, Schedule Tribes, Most Backward Classes and Other Backward classes to the extent and subject to the conditions as the Government may, from time to 3. time, prescribe.
   (4) Subject to sub-rule (3), the Commission shall forward to the Government a list arranged in order of merit of candidates who have qualified by such standard as the Commission may determine.
   (5) The inclusion of a candidates name in the list prepared under sub-rule (4) shall confer no right to appointment to the service.

Condition of eligibility for appearing at the competitive examination or interview

9. In order to be eligible to compete at the competitive examination or selection interview a candidate;-
   a) Must satisfy;-
      (i) the condition prescribed in Schedule II;
      (ii) any other conditions that may be specified by the Government in consultation with the Commission; and

b) must pay the fees, if any, prescribed by the Commission.

Attempt at the examination

10. No candidate shall be permitted to compete more than three times at the competitive examination or interview.Note: A candidate shall be deemed to have competed at the examination if he actually appears in any or more subjects.

Disqualification for admission examination /interview

11 Any attempt on the part of candidate to obtain support for his candidature by any means shall render himself liable to be disqualified for admission in the interview/ competitive examination by the Commission.

Commission's decision final

12 The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the interview/examination shall be final and no candidate whom certificate of admission has not be issued by the Commission shall be admitted to interview/examination.

Appointment from the list

13 Subject to provision of rules 14,15 and 16 candidates shall be considered for appointment to the available vacancies in the order in which their names appear in the list.

Disqualification for appointment on ground of plural marriage

14 No person-

a) who has entered into or contracted marriages with a person having spouse living or

b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to the service;Provided that the Government may, if satisfied that such marriage is permissible under the personal law or customs applicable to such person and other party to the marriage, exempt any person from the operation of this rule.

Penaltyf or impersonation, etc

15 A candidate, who is or has been declared by the Commission guiltyof impersonation, or of submitting false or fabricated documents been tempered with or of making statements which are incorrect or false or suppressing material information or of using or attempting to use unfair means in the examination hall or otherwise resorting to any other irregular or improper means for obtaining admission to the examination may, in addition to rendering himself liable to a criminal prosecution, be debarred either permanently or for a specified period;-

(a) by the Commission from admission to any examination or appearance at any interview held by the Commission for selection of candidate; and

(b) by the Government from employment under the Government.

Disqualification for appointment on medical ground

16. No candidate shall be appointed to the service who after such medical examination as the Government may specify, is found to be physically and mentally fit and free from any mental or physical defects likely to interfere with the discharge of the duties of the service.

Recruitment by promotion

17. (1) There shall be a Selection Committee consisting of the following, namely:-

a) Chairman, Sikkim Public Service Commission;

b) Member, Sikkim Public Service Commission;

c) Secretary to the Government in the Department of Personnel, Administrative Reforms and Training;

d) Secretary to the Government in Department concerned;

e) Secretary to the Government to be nominated by the Government;

f) The Commission may co-opt any other suitable expert/Adviser.

(2) The Chairman or where the Chairman is unable to attend, the member of the Commission shall preside over the meeting of the Committee. The absence of a

member other than the Chairman or Member of the Commission, shall not invalidate the proceedings of the committee if two third of the members of the Committee had attended its meeting:

(3)The Government shall, every year, for the purpose of recruitment by promotion to the service, where such promotion is provided, prepare a list of names of eligible persons in order of seniority who have, completed the required length of years of service as indicated in Schedule II.

(4)The number of candidates to be included in the list prepared under sub-rule(3) shall not exceed three times the number of vacancies anticipated.

Provided that such restriction shall not apply where the number of eligible persons is less than its maximum permissible number and in such case the names of all the eligible persons shall be forwarded.

(5)The Government. shall forward to the Commission the list of persons referred to in sub-rule (3) together with their ACRs (Annual Confidential reports), Annual Property returns and service records of the period such persons have to complete to become eligible for promotion indicating the anticipated number of vacancies to be filled by promotion in course of period of twelve months commencing from the date of preparation of the list.

(6)The Commission shall prepare a final list of persons who are found to be suitable for promotion to the service on an overall relative assessment of their ACRs, service records and interview.

(7)The number of persons to be included in the final list shall not exceed twice the number of vacancies to be filled by the promotion.

(8)The Commission shall forward the final list prepared under sub-rule (6) to the Government along with the ACRs, Annual Property returns and service records received from the Government.

(9)The list shall ordinarily be in force for a period of twelve months from the date of the recommendation of Commission.

(10)Appointment by promotion of persons included in the final list to the service shall be made by the Govt. in order in which the names of person appear in the list for the time being in force.

(11)It shall not be necessary to consult the Commission before such appointment is made unless during the period intervening between the inclusion of the names of the person in the list and the date of proposed appointment, if there occurs deterioration in the work of the person which in the opinion of the Government is such as to render him unsuitable for appointment by promotion to the service.

Probation

18. (1)Every person recruited to the service by promotion shall be appointed to the service on probation for a period of one year.(2)The Government may, if so thinks fit in any case or class of cases, extend the period of probation for a period not exceeding two years.

Discharge of probation

19. A probationer shall be liable to be reverted back to his substantive post, if;-(a) he fails to pass the departmental examination; (b)the Government is satisfied that the probationer was ineligible for recruitment to the service or is unsuitable for being a member of the service; (c)he is found lacking in qualities of mind and character needed for the service or in the constructive outlook and human sympathy needed in public service generally; or(d)he fails to comply with any of the provisions of these rules.

Execution of agreement

20. A probationer, who has been recruited/appointed to the service by a direct recruitment, shall execute an agreement in the form as may be prescribed by the Government binding himself and one surety, jointly or separately, in the event of his failing to comply with any of the provisions of these rules to the satisfaction of the Government, he has to refund any money paid to his consequent on his appointment as probationer.

Training

21. (1) A probationer who is appointed to the service shall undergo such training for such period and pass the training as the Government may direct from time to time.
(2) All the members of the service shall, in a span of every two years, undergo one training course successfully either at Accounts and Administrative Training Institute, Gangtok or State Institute of Rural Development, Karfectar or any other training institute outside the State. The requirement of undergoing this training will be applicable only upto the age of 50 (fifty) years of the Government servant and will be compulsory for promotion of the Government servants to the next higher grade and failure to undergo such training course will render denial of promotion when due and the next in the line will be considered.

Departmental examination

22. Every probationer, who has been appointed to the service during the period of probation shall undergo such training and pass such examination as the Govt. may prescrib from time to time.

Confirmation

23. If a probationer completes his period of probation to the satisfaction of the Government, he/she shall subject to the other provisions of the rules, be confirmed in the service.

Seniority

24. The inter-se-seniority of the members of the service shall be determined in accordance with the Sikkim States Service (Regulation of Seniority) Rules, 1980.

Promotion from one grade to another

24. (1) The Committee constituted under rules 17 shall also be Committee for the purpose of promotion of the members of the service to higher grades of the service.

(2) The Chairman or where the Chairman is unable to attend, the member of the Commission shall preside over the meeting of the Committee. The absence of a member other than the Chairman or the member of the Commission, shall not invalidate the proceedings of the Committee if two third of more than the members of the Committee has attended its meeting.

(3) The Govt. shall from time to time, for the purpose of sub-rule (1) prepare a list of names of the members of the service in order of seniority who have completed the prescribed length of service as indicated in Schedule II for promotion to the next higher grade.

(4) The Government shall forward to the Commission the list prepared under sub-rule (3) along with the Annual Confidential Rolls, Annual Property returns and service records of the periods the member of the service has to complete to become eligible for promotion, indicating the anticipated number of vacancies to be filled by promotion in course of period of twelve months commencing from the date of preparation of the list.

(5) The Commission after satisfying themselves the records and the information complete in all respect have been received shall convene a Departmental Promotion meeting of the Committee. The Committee shall prepare a final Seniority list of the officers who are found suitable for promotion.

(6) The number of persons to be included in the list shall not exceed twice the number of vacancies to be filled by promotion.

(7) The Commission shall forward the final list prepared under sub-rule (5) to the Government along with ACRs, Annual Property returns and service records received from the Government.

(8) The list shall ordinarily be in force for a period of twelve months from the date of recommendation of Commission.

(9) Promotion of the persons included in the list to the relevant higher grade shall be made by the Government against the existing vacancies in the order in which their names appear in the list.

(10) It shall not be ordinarily necessary to consult the Commission before such promotion is made unless during the period of twelve months from the date of recommendation of the Commission there occurs a deterioration in the work/

performance of the member of the service which in the opinion of the Governme is such as to render him unsuitable for promotion.

Administrative control

26. (1) The control over the service including appointments, transfers and deputation shall vest with the Controlling authority.(2)The headquarters of the Office shall be Directorate of Fisheries, Gangtok.(3)A member of the service shall not be transferred outside the service or under any other Government or an organization save with the concurrence of the Controlling authority.

Residuary matters

27. All other matters in relations to the service not specified or for which no provision have been made in these rules shall be regulated by rules and orders applicable to other officers of the Government of equivalent status.

Removal of doubts

28. If any question arises as to the interpretation of these rules, the decision of the Government thereon shall be final.

Power to relax

29. Where the Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or cadre posts.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

SPECIAL SECRETARY TO THE GOVT. OF SIKKIM
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT, SKILL DEV.
AND
CHIEF MINISTER'S SELF EMPLOYMENT SCHEME

SCHEDULE – I
(See rule 3 (2))

STRENGTH AND COMPOSITION

SL.NO.	Designation	Scale	Number of post
01.	Director	14300-400-18300	1
02.	Addl. Director	12500-375-17000	1
03.	Jt. Director	11000-350-16250	2
04.	Dy. Director	9000-300-13800	4
05.	Asstt. Director	7000-225-11500	6
		Total	14

SCHEDULE – II

STATE FISHERIES SERVICE
(See rule 3(3) and 7)

Sl. No.	Post/Pay Scale	Mode or recruitment	Eligibility condition
01.	Assistant Director(Fisheries) Rs.7000-225-11500	50% direct recruitment 50% by Promotion	(a) Qualification-Masters Degree in Fisheries from a recognized University. (b) Age between 21 and 30 years relaxable by 5 yrs in case of SC/ST candidates and 3 years for MBC and OBC candidates. Range Officer/Research Assistant belonging to Sub- ordinate Fisheries Service who have completed not less than 8 yrs of continuous service in the grade.
02.	Deputy Director (Fisheries) Rs.9000-300-13800	100% by promotion	6 yrs of regular service as Assistant Director Fisheries.
03.	Joint Director (Fisheries) Rs. 11000-350-16250	100% by promotion	6 yrs of regular service as Deputy Director Fisheries.
04.	Additional Director (Fisheries) Rs.12500-375-17000	100% by promotion	4 yrs of regular service as Joint Director Fisheries.
05.	Director Rs.14300-400-18300	100% by Promotion	2 yrs of regular service as Additional Director.